

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16745 of 2025**

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VIRALGIRI JAYANTIGIRI GOSWAMI

Versus

THE STATE OF GUJARAT & ANR.

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Appearance:

ANKIT N MEHTA(7302) for the Petitioner(s) No. 1

MR ADITYA DAVDA AGP for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Date : 30/04/2026

ORAL ORDER

1. RULE. Learned Assistant Government Pleader waives service of notice of rule on behalf of respondents.

2. With the consent of learned counsel for the respective parties, the present petition is taken up for hearing and disposal.

3. Present petition is filed by the petitioner under Article 226 of the Constitution of India and under the provisions the Indian Arms Act seeking the following reliefs:-

(A) *Your Lordship may be pleased to admit and allow this petition.*

(B) *Allow this Special Civil application by issuing appropriate writ, order or direction and be pleased to quash and set aside the order No.HVD/125/2020 passed in Appeal by the learned Joint Secretary, Home Department, Gujarat State and further be pleased to direct for issuance of license under Arms Act vide*

considering the facts in the interest of justice.

- (C) *Pending admission, hearing and final disposal of this petition, Your Lordship be pleased to direct the respondent authorities to decide the appeal properly in the interest of justice.*
- (D) *Your Lordship be pleased to pass such other and further orders as may be deemed fit, just and proper in the peculiar facts and circumstances of the present case.*

4. Heard Mr.Mehta, learned counsel for the petitioner and Mr.Davda, learned Assistant Government Pleader for the respondents. Perused the materials placed on record.

6. Learned counsel for the petitioner has submitted that the respondent authority has committed an error in not considering the submissions made on behalf of the petitioner and the respondent authority has, without considering such aspect, rejected the appeal on the ground that limited numbers of the weapon which has to be maintained. He has submitted that the petitioner is doing a business as he is journalist and the arm is required for protection of the business and personal safety. He has submitted that the petition deserves to be allowed and the impugned order passed by the Joint Secretary deserves to be quashed and set aside.

7. Considering the facts and circumstances of the case and the averments made in the petition and the submissions of both the sides and perused the material placed on record, it appears that the respondent - authority has acted as quasi-judicial and passed the order without assigning any reason and, therefore, in the interest of justice, the matter requires to be remand back to the concerned respondent - authority for reconsideration.

8. In view of the above and for the foregoing reasons, the petition is allowed in part. The impugned order passed by respondent - authority is hereby quashed and set aside. The matter is remanded back to the concerned respondent - authority to rehear and reconsider the same and fresh decision. The respondent - authority is directed to decide the matter in accordance with law as expeditiously as possible after giving proper opportunity of hearing to the petitioner without being influenced by the earlier observations and the orders passed by the authority. Rule is made absolute to the aforesaid extend. There shall be no order as to costs. Direct service is permitted.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL